



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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REQUEST FOR GOVERNOR TO DECLARE STATE OF EMERGENCY TO PREVENT PRICE GOUGING IN WAKE OF HURRICANE KATRINA *CITY ATTORNEY DRAFTS EMERGENCY ORDINANCE*

San Diego, CA: Responding to rising gasoline prices in the aftermath of Hurricane Katrina, San Diego City Attorney Michael Aguirre and San Diego City Councilmember Donna Frye joined State Senator Denise Ducheny and Assemblymember Lori Saldana in calling on Governor Arnold Schwarzenegger to proclaim a state of emergency in California. In a letter to the Governor, Senator Ducheny asked that he act now to avoid price gouging by those who would take personal advantage of this tragedy. State Penal Code Section 396 (a) specifically authorizes such action in order to protect Californians from unjustified increases in the price of essential goods and services following natural disasters.

In addition, at the request of Councilmember Donna Frye, City Attorney Aguirre has drafted an emergency ordinance that would declare a city-wide state of emergency with respect to gas prices. This ordinance would make it a misdemeanor to increase gas prices excessively and without justification.

"If we find that there is manipulation, we will prosecute individuals who take advantage of this price gouging," said City Attorney Aguirre. "We will seek jail time."

Under state law, the penalties for price manipulation are six months in jail and/or \$1,000 a day for each violation. Service station owners would also be subject to unfair business practice claims under the State Business and Professions Code. The emergency ordinance, which would amend the City's municipal code, has been docketed on the City Council's agenda for Tuesday, September 6th.

The announcements were made today at a news conference in the City Attorney's Office that was attended by Councilmember Frye, Tim Cohelan, a consumer protection attorney in private practice, Sheila Jackson, San Diego City Schools Board of Trustees, Michael Shames, UCAN Director, Chris Morris, head of the Criminal Division in the City Attorney's Office, and Cindy Davis, Deputy City Attorney in the Consumer and Environmental Protection Unit in the City Attorney's Office.

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